

REPORT OF THE EXECUTIVE OFFICER
State Allocation Board Meeting, February 27, 2008

SCHOOL FACILITY JOINT-USE PROGRAM REGULATORY AMENDMENTS

PURPOSE OF REPORT

To request:

1. Adoption of proposed regulatory amendments to the School Facility Program (SFP) Joint-Use Program.
2. Authorization to file the proposed regulations with the Office of Administrative Law (OAL).

BACKGROUND

At the July and August 2007 State Allocation Board (SAB) meetings, the Board requested Staff to develop proposed amendments to the current SFP joint-use regulations. The areas of interest being to change the application filing timeframe and clarify non-profit organizations as joint-use partners and program requirements related to the use of local bond measure funds.

These areas of interest were discussed at the October and November Implementation Committee meetings. Staff used these discussions, along with other suggestions intended to help to improve the SFP Joint-Use Program, to create proposed revisions that were presented at the January 2008 SAB meeting.

At the January 2008 SAB meeting, the Board requested that Staff meet with the parties that made public comment for further discussion on the non-profit organizations and to clarify that the amendments made were pursuant to the discussions that took place during the Implementation Committee process. These meetings have taken place and revisions were made to the proposed regulatory amendments that are being presented for adoption today.

AUTHORITY

Education Code (EC) Section 17070.35(a)(2) authorizes the Board to adopt rules and regulations in connection with the administration of the Leroy F. Greene School Facilities Act of 1998 as necessary.

EC Sections 17077.40, 17077.42 and 17077.45 established the SFP Joint-Use Program.

EC Section 17077.42(a) grants the Board authority to approve non-profit organizations as joint-use partners.

STAFF COMMENTS

Non-Profit Organizations

Currently, the SFP Regulations provide a definition of "Non-Profit Organization" as an entity that is organized and operated for purposes of not making profit under the provisions of the Revenue and Taxation Code. Incorporating input provided at the October and November Implementation Committee meetings and after the January 2008 SAB meeting, Staff is proposing an amendment to SFP Regulation Section 1859.2 *Definitions*, to clarify the type of non-profit organizations that will be acceptable partners for the SFP Joint-Use Program.

In addition to the requirements already contained in regulation, Staff is proposing that the definition of the term "Non-Profit Organization" be expanded to identify Non-Profit Organization joint-use partners providing community programs and some level of funding toward the project or assistance in providing services that will aid in the operations for the joint-use purpose after construction. Providing funding and/or services toward the joint-use project will help to uphold the intent of the Joint-Use Program, which is to create a combined effort between the district and joint-use partner that will benefit the local community where the project is to be constructed.

Also included in the newly proposed definition is language requiring that Non-Profit Organizations and districts have no more than one common board member, ex-officio board member, officer, management or staff irrespective of whether voting or non-voting and whether employee, contractor, or agent.

(Continued on Page Two)

STAFF COMMENTS (cont.)

Application Filing Period

Staff is proposing an amendment to SFP Regulation Section 1859.121 *Joint-Use Project Application Submittals and Apportionments*, to change the annual application timeframe from May 31 of each year, to March 1 beginning with the 2009 filing cycle, for SFP joint-use applications that statute requires be presented to the SAB in July of each year. This extended period will provide applicant districts, as well as Staff, a processing timeframe closer to that of a typical application submitted to the Office of Public School Construction (OPSC) while also providing adequate time to mitigate any issues that may arise.

Bond Funds

Staff is proposing an amendment to SFP Regulation Section 1859.127 *Joint-Use Partner(s) Financial Contribution*, that local bonds approved by the voters must contain an acknowledgement that the proceeds will or may be used for both of the following:

- (1) Joint-use purposes. (The term joint-use must be present in the bond language.)
- (2) The subject projects. (This must be identified in at least one of two ways. Either the specific facility type requested for the SFP joint-use project and/or the specific school site.)

This amendment would be effective only for voter approved local bonds that were authorized on or after February 27, 2008. For districts that have passed a local bond that was authorized prior to February 27, 2008, the joint-use project may also be identified in the voter approved local bond language, in the school district board resolution authorizing the bond, or school district board meeting minutes.

Joint-Use Project Funding Priorities

At the January SAB meeting, Staff proposed an amendment to SFP Regulation Section 1859.126 *Joint-Use Project Funding Priority and Funding Availability*, which would have given higher funding priority to those projects with a higher joint-use partner contribution only after a district's first application was funded. In other words, this would have only affected projects in districts requesting funding for more than one application and only those projects funded subsequent to all other districts having at least one approval. The January proposed amendments reflected significant modifications based on the input received from the Implementation Committee and audience members. While these amendments were able to satisfy some of the concerns raised, others remain concerned with having any additional funding priorities. Therefore, Staff is proposing no change to the existing funding priority regulations in place.

Final Division of the State Architect/California Department of Education Approved Plans Adjustments

Type II projects that are submitted with preliminary plans have one year from the date of the apportionment to submit final Division of the State Architect and California Department of Education approvals of the plans. Often, when the OPSC receives the final approved plan set, there is a variance in the size of the facility to be constructed. Staff's proposal is to amend SFP Regulation Section 1859.129 *Time Limit on Apportionment*, to codify the second review of the project in order to determine if the final approved plans contain any changes that affect the previously authorized apportionment. Should the final review find the apportionment based on the preliminary plans is not supported, possible through either a reduced amount of square footage or a change in the square footage pro-rate by more than five percent, a commensurate decrease to the apportionment will be presented to the SAB.

RECOMMENDATIONS

1. Adopt the proposed regulations as shown on the Attachment.
2. Authorize Staff to begin the regulatory process with the OAL.

This Item was approved by the State Allocation Board on February 27, 2008.

ATTACHMENT
State Allocation Board Meeting, February 27, 2008

Section 1859.2. Definitions.

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"Non-Profit Organization" as used in this section and for the purposes of the Joint-Use Program, means an entity that is organized and operated for purposes of not making a profit under the provisions of the Revenue and Taxation Code and further meets the requirements set forth below:

1. Other than a School District passing a local bond, under Section 1859.127 herein, the source of funds being contributed by the Non-Profit Organization Joint-Use Partner, must be independent of the partner School District, and
2. The Non-Profit Organization must be a recognized nationally chartered organization. If the partner is not a nationally chartered non-profit organization, then it must have an independence in governance, which for purposes of this section shall be defined as the Non-Profit Organization and School District having no more than one common board member, ex-officio board member, officer, management or staff irrespective of whether voting or non-voting and whether employee, contractor, or agent. These restrictions will only apply to the extent that the employee, contractor or agent has managerial authority in one or both entities. For purposes of this section, a recognized nationally chartered organization is a non-profit organization which is recognized by the Office of Public School Construction or the State Allocation Board as operating on a national basis and having charters issued by a national headquarter or governing body, and
3. The Non-Profit Organization must operate programs or services, aside from programs or services for the School District, for the community and pay for the additional ongoing operational costs or program services associated with the joint-use purposes and/or a minimum of 25 percent of an eligible Joint-Use Project facility's cost.

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Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.

Reference: Sections 17009.5, 17017.6, 17017.7, 17021, 17047, 17050, 17051, 17070.15, 17070.51(a), 17070.71, 17070.77, 17071.10, 17071.25, 17071.30, 17071.33, 17071.35, 17071.40, 17071.75, 17071.76, 17072.10, 17072.12, 17072.18, 17072.33, 17073.25, 17074.10, 17074.30, 17074.32, 17075.10, 17075.15, 17077.40, 17077.42, 17077.45, 17078.52, 17078.56, 17078.72(k), 17079, 17079.10, 17280, 56026, and 101012(a)(8), Education Code; Section 53311, Government Code; and Section 1771.5, Labor Code.

Section 1859.121. Joint-Use Project Application Submittals and Apportionments.

The Board shall accept Approved Applications for Joint-Use Funding on a yearly basis as follows:

- (a) For any funding made available for this purpose by May 31, 2003, applications will be accepted from November 5, 2002 through May 31, 2003. The Board will apportion the funding made available by May 31, 2003 at the July 2003 Board meeting.
- (b) For any additional funding that is made available for this purpose beginning June 1, 2003 and ~~thereafter~~ through May 31, 2008, the Board will accept applications from June 1 of the prior calendar year through May 31 of the current calendar year for any funding made available for this purpose by May 31 of each year. The Board will apportion the funding made available by May 31 of each year at the following July Board meeting based on the SFP regulations in effect at that time.
- (c) For any funding that is made available for this purpose, the Board will accept applications for the 2008/2009 funding cycle from June 1, 2008 through March 1, 2009. For the 2009/2010 funding cycle and for all future funding cycles, the Board will accept applications from March 2 of the prior calendar year through March 1 of the current calendar year. The Board will apportion the funding made available based on the SFP regulations in effect at that time.

Note: Authority cited: Sections 17070.35 and 17075.15, Education Code.

Reference: Sections 17077.40, 17077.42 and 17077.45, Education Code.

Section 1859.122. Type I Joint-Use Program Eligibility Criteria.

A district requesting funding for a Type I Joint-Use Project may submit Form SAB 50-07 to the OPSC if all the following criteria are met:

- (a) The plans and specifications for the Type I Joint-Use Project are included in the plans and specifications for a new school or an addition to an existing public school for which the district has requested SFP new construction funding.
- (b) The Type I Joint-Use Project will be located on the same site where the SFP new construction project is located.
- (c) The Type I Joint-Use Project will increase the square footage and/or Extra Cost for any of the following proposed facilities included in the SFP new construction project:
 - (1) A multipurpose room.
 - (2) A gymnasium.
 - (3) A Childcare facility.
 - (4) A library.
 - (5) A Teacher Education facility.
- (d) At least one of the Joint-Use Partner(s) is an institution of Higher Education, a government agency, or a Non-Profit Organization. The Joint-Use Partner(s) may be a county office of education or another district provided the funds contributed by those agencies pursuant to Section 1859.127 are not otherwise available for other SFP projects.
- (e) The district has entered into a Joint-Use Agreement that meets the criteria in Education Code Section 17077.42.
- (f) The district has joint-use square footage eligibility pursuant to Section 1859.124(a) or has demonstrated that it will incur Extra Cost pursuant to Section 1859.125.1.
- (g) The construction contract for the Type I Joint-Use Project was not executed prior to April 29, 2002.
- (h) The plans and specifications for the Type I Joint-Use Project have been approved by the DSA.
- (i) The plans for the Type I Joint-Use project have been approved by the CDE.

Note: Authority cited: Sections 17070.35 and 17075.15, Education Code.

Reference: Sections 17077.40, 17077.42 and 17077.45, Education Code

Section 1859.125. Joint-Use Project Grant Determination Based on Square Footage.

If the funding request is to construct square footage, the Joint-Use Grant is the lesser of the amount determined in (a) or (b):

- (a) The sum of the amounts determined below:
 - (1) \$173.30 for the Toilet Facilities in the Joint-Use Project as calculated in (a)(1)(B) below:
 - (A) Divide the eligible square footage of the Joint Use Project as determined in Section 1859.124 by the total square footage of the joint-use facility.
 - (B) Multiply the quotient determined in (a)(1)(A) by the Toilet Facilities in the joint-use facility.
 - (2) \$96.30 for non-Toilet Facilities in the Joint-Use Project as calculated in (a)(2)(B) below:
 - (A) Divide the eligible square footage of the Joint Use Project as determined in Section 1859.124 by the total square footage of the joint-use facility.
 - (B) Multiply the quotient determined in (a)(2)(A) by the non-Toilet Facilities in the joint-use facility.
 - (3) 50 percent of site development work that meets the following criteria:
 - (A) It is necessary and applicable to the Joint-Use Project.
 - (B) It meets the requirements for service site development or utility costs as outlined in Section 1859.76(a) and/or (c). Off-site development work is not allowed as part of a Joint-Use Project; however, if off-site development work is necessary pursuant to Section 1859.76(b) for a Type I Joint-Use Project, the district may request the eligible off-site work under the qualifying SFP New Construction project pursuant to Section 1859.123.
 - (C) It is considered excessive site development costs and not eligible for funding under the qualifying SFP New Construction or Modernization project pursuant to Section 1859.123 or 1859.123.1.
- (b) \$1 million if the Joint-Use Project will be located on a school site that is or will be serving Elementary School Pupil(s). \$1.5 million if the Joint-Use Project will be located on a school site that is or will be serving Middle School Pupil(s). \$2 million if the Joint-Use Project will be located on a school site that is or will be serving High School Pupils.

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If the district is requesting funding for site development work applicable to the Joint-Use Project, the district must submit a detailed cost estimate and appropriate DSA approved plans, with the Form SAB 50-07. The cost estimate must include appropriate justification documents that indicate the work is necessary to complete the Joint-Use Project and conform to the requirements of Section 1859.76.

Utility service(s) cost shall be prorated, if necessary, for any excess capacity not needed to service the Joint-Use Project.

The dollar amounts shown in (a) are adjusted in a manner prescribed in Section 1859.71 and are eligible for Excessive Cost Hardship Grant(s) pursuant to Section 1859.83 (a), (b) and (d). The district may be eligible for the funding provided to initiate and enforce a LCP as prescribed in Section 1859.71.4.

The Joint-Use Grant amounts provided in this Section and Section 1859.125.1, if applicable, shall be deemed the full and final apportionment for the application. Any costs incurred by the district beyond the Joint-Use Grant amount and the Joint-Use Partner(s) and district financial contribution pursuant to Section 1859.127, shall be the responsibility of the district and/or the Joint-Use Partner(s).

Note: Authority cited: Sections 17070.35 and 17075.15, Education Code.

Reference: Sections 17077.40, 17077.42 and 17077.45, Education Code.

Section 1859.126. Joint-Use Project Funding Priority and Funding Availability.

In each application acceptance period, the Board shall fund eligible Joint-Use Projects as follows:

- (a) Type I Joint-Use Projects in the following order:
 - (1) By date order received for the applications the districts have designated as first funding priority.
 - (2) By date order received for the applications the districts have designated as second funding priority and so on until all Type I Joint-Use Project applications have been apportioned.
- (b) Type II Joint-Use Projects in the following order:
 - (1) By date order received for the applications the districts have designated as first funding priority.
 - (2) By date order received for the applications the districts have designated as second funding priority and so on until all Type II Joint-Use Project applications have been apportioned.

If a Joint-Use Project cannot be fully apportioned because of the funding available, the district may either accept the available funding as the full and final apportionment for the project or refuse funding. If funding is refused, the application will be returned to the district and the Board shall consider funding the next project eligible for an apportionment based on the above funding priority mechanism.

Any Joint-Use Project not considered for an apportionment because of the above funding priority mechanism shall be returned to the district. A district may resubmit a returned Joint-Use Project application during the subsequent application acceptance period identified in Section 1859.121(b), if the application meets the eligibility criteria at the time of re-submittal.

Any funds not apportioned in the application acceptance period identified in Section 1859.121(a) or any Joint-Use Project funds returned due to projects being rescinded or reduced to cost incurred shall be made available for apportionment in the application acceptance period identified in Section 1859.121(b).

Note: Authority cited: Sections 17070.35 and 17075.15, Education Code.

Reference: Sections 17077.40, 17077.42 and 17077.45, Education Code

Section 1859.127. Joint-Use Partner(s) Financial Contribution.

A financial contribution towards the cost of the Joint-Use Project equal to the state funding provided by these Regulations is required. The contribution made by the Joint-Use Partner(s) shall be no less than 25 percent of eligible project costs. The remaining local contribution may come from any other district source that would not otherwise be available to the State Allocation Board. ~~If the school district has passed a local bond which specifies that such funds are to be used for the Joint Use Project, then the school district may opt to provide up to the full 50 percent local share of eligible costs. Any funding provided by the Joint Use Partner(s) cannot be funds that would otherwise be available to the district.~~

If the school district has passed a local bond that was authorized prior to February 27, 2008, which specifies that such funds are to be used for the Joint-Use Project, then the school district may opt to provide up to the full 50 percent local share of eligible costs. The Joint-Use Project may also be identified in the voter approved local bond language, the school district board resolution authorizing the bond, or the school district board meeting minutes.

If the school district has passed a local bond that was authorized on or after February 27, 2008, which specifies that such funds are to be used for the Joint-Use Project, then the school district may opt to provide up to the full 50 percent local share of eligible costs-providing the voter approved local bond language contains an acknowledgement that the proceeds will or may be used for both of the following:

- (a) Joint-use purposes verified through the term, "joint-use" present in the voter approved local bond language.
- (b) The Joint-Use Project identified in either of these two ways:
 - (1) The specific facility type requested and/or
 - (2) The specific school site.

Note: Authority cited: Sections 17070.35 and 17075.15, Education Code.

Reference: Sections 17077.40, 17077.42 and 17077.45, Education Code.

Section 1859.129. Time Limit on Apportionment.

- (a) If the district received an apportionment for a Type I Joint-Use Project or a Type II, part of a qualifying SFP Modernization project, Joint-Use Project, the district is subject to the time limit on the apportionment as outlined in Education Code Section 17076.10.
- (b) If the district received an apportionment for a Type II Joint-Use Project, not part of a qualifying SFP Modernization project, the district:
 - (1) Has one year from the date of that apportionment to submit the plans and specifications to the OPSC for the Joint-Use Project that have been approved by the DSA and the CDE (plans only), otherwise the apportionment will be rescinded without further Board action. If upon review by the OPSC the final Division of the State Architect approved plans create a reduction in square footage that is greater than or equal to five percent of the square footage contained in the preliminary plans, a commensurate reduction to the apportionment pursuant to Section 1859.125 shall be taken to the next available State Allocation Board meeting.
 - (2) Has 18 months from the date the DSA and CDE approved plans were submitted to the OPSC to submit a completed Form SAB 50-05 or the apportionment will be rescinded without further Board action.
 - (3) Is subject to substantial progress time limit on the apportionment as outlined in Subdivision (b) of Education Code Section 17076.10.

Note: Authority cited: Sections 17070.35 and 17075.15, Education Code.

Reference: Sections 17076.10, 17077.40, 17077.42 and 17077.45, Education Code.

APPLICATION FOR JOINT-USE FUNDING SCHOOL FACILITY PROGRAM

SAB 50-07 (REV-01/05/02/08)

GENERAL INFORMATION

This form is used by a district to request State funding for a **joint-use** project under the provisions of Education Code Sections 17077.40, 17077.42 and 17077.45.

Requests for funding may be made as follows:

1. A Type I Joint-Use Project pursuant to Section 1859.122. The following documents must be submitted with this form in order for the Office of Public School Construction (OPSC) to accept the application for processing:
 - Joint-use agreement, that complies with the requirements of Education Code Section 17077.42.
 - Plans and Specifications (P&S) for the **j**oint-**u**se **p**roject approved by the Division of the State Architect (DSA). Submittal of plans may be on CD-ROM or "Zip Drive" readable in AutoCAD 14. The specifications may be provided on a diskette that is IBM compatible.
 - Cost estimate of proposed site development, if requesting site development funding.
 - Plan approval letter for the **j**oint-**u**se **p**roject from the California Department of Education (CDE).
 - A cost estimate to construct the **j**oint-**u**se **p**roject, if the district is requesting Extra Cost funding pursuant to Section 1859.125.1.
 - If the matching share contribution is provided through a local bond, please provide appropriate documentation pursuant to Section 1859.127.
 - If the district's Joint-Use Partner(s) is a Non-Profit Organization, please provide additional information for the programs and/or services provided within the community such as: advertisements, mission statement, organization overview, program/services list, publications, and other informational documents.
2. A Type II Joint-Use Project pursuant to Section 1859.122.1 or 1859.122.2. The following documents must be submitted with this form in order for the OPSC to accept the application for processing:
 - Joint-use **A**greement, that complies with the requirements of Education Code Section 17077.42.
 - P&S for the **j**oint-**u**se **p**roject approved by the DSA if the **j**oint-**u**se **p**roject will be part of a qualifying School Facility Program (SFP) Modernization project, or preliminary plans if the **j**oint-**u**se **p**roject will not be part of a qualifying SFP Modernization project. Submittal of plans may be on CD-ROM or "Zip Drive" readable in AutoCAD 14. The specifications may be provided on a diskette that is IBM compatible.
 - Cost estimate of proposed site development, if requesting site development funding.
 - Plan approval letter from the CDE.
 - If the matching share contribution is provided through a local bond, please provide appropriate documentation pursuant to Section 1859.127.
 - If the district's Joint-Use Partner(s) is a Non-Profit Organization, please provide additional information for the programs and/or services provided within the community such as: advertisements, mission statement, organization overview, program/services list, publications, and other informational documents.

SPECIFIC INSTRUCTIONS

The district must provide the school name and physical address of the location for the Joint-Use Project. The district must assign a Project Tracking Number (PTN) to this project. The same PTN is used by the OPSC, the DSA and the CDE for all project applications submitted to those agencies which assists those agencies to track a particular project through the entire **s**tate application review process. If the district has already assigned a PTN to this project by prior submittal of the P&S to either the DSA or the CDE for approval, use that PTN for this application submittal. If no PTN has been previously assigned for this project, a PTN may be obtained from the OPSC Web site at www.opsc.dgs.ca.gov "P.T. Number Generator."

1. Type of Application

Check the box that indicates the type of **j**oint-**u**se **p**roject funding requested. Refer to Sections 1859.122, 1859.122.1 and 1859.122.2 for eligibility criteria.

2. Pupils Served

Check the box that indicates the highest pupil grade level that is or will be served by the **j**oint-**u**se **p**roject. If the **j**oint-**u**se **p**roject will serve more than one school site, the CDE shall determine the highest pupil grade level to be served by the **j**oint-**u**se **p**roject.

3. Qualifying SFP Project Application Number

If the request is for a Type I or II Joint-Use Project which will be part of a qualifying SFP project, indicate the SFP application number or the **project tracking number** **PTN** of the qualifying SFP project. Refer to Section 1859.123 and/or 1859.123.1.

4. Type of Facility

Check the box that indicates the type of facility to be constructed.

5. Joint-Use Facility Square Footage

Enter the square footage of the non-toilet area, toilet area and total area of the joint-use facility.

6. Eligible Square Footage

Enter the eligible square footage of the **j**oint-**u**se **p**roject as determined by Section 1859.124.

7. Type I Joint-Use Project Extra Cost

If the request is for Extra Cost for a Type I Joint-Use Project, report: 50 percent of the estimated cost to construct the square footage in the **j**oint-**u**se **p**roject.

8. Site Development Cost

Enter 50 percent of service site development and utilities that meet the requirements of Sections 1859.125(a)(3) or 1859.125.1(a)(1)(B).

9. Project Assistance

Check the box if the district is requesting project assistance pursuant to Section 1859.73.1. This project assistance is available only for Type II Joint-Use Projects, not part of a qualifying SFP Modernization project.

APPLICATION FOR JOINT-USE FUNDING SCHOOL FACILITY PROGRAM

SAB 50-07 (REV-01/05 02/08)

910.Excessive Cost Hardship

Check the box(es) if the district qualifies and is requesting Excessive Cost Hardship funding for:

- (a) Geographic Percent Factor. Enter the percentage factor shown in the Geographic Percentage Chart for the location of the project. Refer to Section 1859.83(a).
- (b) Small Size Project. If the request is for a Type I or II Joint-Use Project, which will be part of a qualifying SFP project, check the box and enter the pupils assigned to the qualifying SFP project pursuant to Section 1859.123 and/or 1859.123.1. If request is for Type II Joint-Use Project, and will not be part of a qualifying SFP Modernization project, just check the box.
- (c) Urban location, enter the:
 - Existing Useable Acres, if the qualifying SFP New Construction project pursuant to Section 1859.123 is an addition to an existing school.
 - The proposed Useable Acres that was/will be purchased as part of the qualifying SFP New Construction project pursuant to Section 1859.123.
 - Master plan acreage size as recommended by the CDE.

1011.District Project Priority

Enter the funding priority order of this application in relation to other district joint-use projects submitted to the OPSC on the same date. If the applications are not received on the same date, the OPSC will assign a higher district funding priority to that district application received first.

1112.Project Progress Dates

Enter the following project progress dates:

- (a) Date the initial construction contract was signed for this project. If a construction contract has not been executed, enter N/A.
- (b) Issue date of the Notice to Proceed for the construction phase of the project, or enter N/A if a Notice to Proceed has not been issued.

1213.Labor Compliance Program

Indicate whether the district is subject to a Labor Compliance Program that has been approved by the Department of Labor Industrial Relations, pursuant to Labor Code Section 1771.7 by checking the appropriate box.

1314.Matching Share

Indicate the percentage each party will contribute towards the matching share.

- (a) Indicate the percentage of matching share contribution the jJoint-uUse pPartner(s) will provide.
- (b) Indicate the percentage of matching share contribution the district will provide. If the district will provide more than 25 percent of the matching share, then the district must provide a copy of the bond which specifies that the monies from the bond are to be used to fund the jJoint-uUse pProject.

15.Joint-Use Partner(s)

- (a) Indicate the name of the Joint-Use Partner(s). Attach an additional sheet if needed.
- (b) Check the appropriate box for the type of entity that describes the Joint-Use Partner(s).

1416.Certification

The dDistrict rRepresentative must complete this section.

**APPLICATION FOR JOINT-USE FUNDING
SCHOOL FACILITY PROGRAM**

SAB 50-07 (REV-01/0502/08)

The school district named below applies to the State Allocation Board via the Office of Public School Construction for a Joint-Use Project Grant(s) under the provisions of Chapter 12.5, Part 10, Division 1, Article 10.6, commencing with Section 17077.40, et seq., of the Education Code and the Regulations thereto.

SCHOOL DISTRICT	COUNTY	APPLICATION NUMBER
SCHOOL NAME		PROJECT TRACKING NUMBER
COUNTY SCHOOL ADDRESS	CITY	ZIP CODE

1. Type of Application—Check Only One

- ☐ Type I Joint-Use Project
☐ Type II Joint-Use Project—reconfigure existing school buildings
☐ Type II Joint-Use Project—construct new school buildings

2. Pupils Served—Check Only One

- ☐ Elementary School
☐ Middle School
☐ High School

3. Qualifying SFP Project Application Number

Application Number: # _____
 Project Tracking Number: # _____

4. Type of Facility

- ☐ Gymnasium
☐ Multi-purpose Room
☐ Library
☐ Child Care
☐ Teacher Education

45. Joint-Use Facility Square Footage

Non-Toilet Facilities (sq. ft.): _____
 Toilet Facilities (sq. ft.): _____
 Total Joint-Use Facilities (sq. ft.): _____

56. Eligible Square Footage

67. Type I Joint-Use Project Extra Cost

Fifty percent of Construction Cost: \$ _____

78. Site Development Cost

Fifty percent of Service Site: \$ _____
 Fifty percent of Utilities: \$ _____

89. Project Assistance

- ☐ Type II Joint-Use Project only—not part of a qualifying SFP Modernization project

910. Excessive Cost Hardship

- a. ☐ Geographic Percent Factor: _____ %
 b. ☐ Small Size Project (Pupils): _____
 c. ☐ Urban
 • Existing Acres (Useable): _____
 • Proposed Acres (Useable): _____
 • CDE Master Plan: _____

1011. District Project Priority

Priority order of this joint-use project application in relation to other joint-use project applications submitted by the district at the same time. # _____

1112. Project Progress Dates

- a. Construction Contract signed on: _____
 b. Notice to Proceed issued on: _____

1213. Labor Compliance Program

Will you be required to initiate and enforce a Labor Compliance Program pursuant to Labor Code Section 1771.7 for this project? ☐ Yes ☐ No

1314. Matching Share

- a. Joint-Use Partner(s) contribution: _____ %
 b. District contribution: _____ %

15. Joint-Use Partner(s)

- a. Joint-Use Partner(s): _____
 b. Type: ☐ Governmental Agency
☐ Institution of Higher Education
☐ Non-Profit Organization

APPLICATION FOR JOINT-USE FUNDING SCHOOL FACILITY PROGRAM

SAB 50-07 (REV-01/0502/08)

1416.CERTIFICATION

I certify, as the District Representative, that the information reported on this form is true and correct and that I am the authorized representative of the district as authorized by the Governing Board of the District; and,

- A resolution or other appropriate documentation supporting this application under Chapter 12.5, Part 10, Division 1, Article 10.6, commencing with Section 17077.40, et. seq., of the Education Code was adopted by the School District's Governing Board on _____; and,
- The district has established a "Restricted Maintenance Account" for exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Sections 17070.75 and 17070.77 (Refer to Sections 1859.100 through 1859.102); and,
- The district will comply with all laws pertaining to the construction of its school building; and,
- All contracts entered into for the service of any architect structural engineer or other design professional for any work under the project have been obtained pursuant to a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4525) of Division 5, of Title 1, of the Government Code; and,
- If the request is for a Type I or II Joint-Use Project, which is part of a qualifying SFP project, the district has received approval of the plans from the CDE and approval of the P&S from the DSA; and,
- If this request is for a Type II Joint-Use Project, and is not part of a qualifying SFP Modernization project, the district has completed the preliminary plans for the project and has received preliminary approval of the plans from the CDE; and,
- The district has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- This district has or will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,
- The joint-use partners' financial contribution for the project required pursuant to Section 1859.127 has either been received and expended by the district, deposited in the County School Facility Fund or will be received and expended by the district prior to the notice of completion for the project; and,
- The district understands that the lack of substantial progress toward increasing the pupil capacity of its facilities within 18 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105); and,
- If the request is for a Type I or II Joint-Use Project, which is part of a qualifying SFP Modernization project, the district understands that funds not released within 18 months of apportionment shall be rescinded and the application shall be denied (refer to Section 1859.90); and,
- If the request is for a Type II Joint-Use Project, and is not part of a qualifying SFP Modernization project, the district understands that funds not released within 18 months from the date the DSA approved P&S are submitted to the OPSC, the apportionment shall be rescinded and the application shall be denied (refer to Section 1859.90); and,
- The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief; and,
- This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, the language in the OPSC form will prevail; and,
- The district understands that some or all of the State funding for the project must be returned to the State as a result of an audit pursuant to Sections 1859.105 and 1859.106; and,
- The district has complied with the provisions of Section 1859.76 and that the portion of the project funded by the State does not contain work specifically prohibited in that Section; and,
- If the joint-use project grant will be used for the construction of school facilities on leased land, the district has entered into a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
- The district has complied with the applicable Joint-Use Program Eligibility Criteria outlined in Sections 1859.122, 1859.122.1 and 1859.122.2 as appropriate; and,
- ~~The district has or will initiate and enforce a Labor Compliance Program that has been approved by the Department of Industrial Relations, pursuant to Labor Code Section 1771.7, if the project is funded from Proposition 47 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003; and,~~
- If the ~~j~~oint-~~u~~se ~~p~~roject will serve more than one school site, the CDE has determined the highest grade level that will be served by the ~~j~~oint-~~u~~se ~~p~~roject; and,
- The district has or will initiate and enforce a Labor Compliance Program that has been approved by the Department of Industrial Relations, pursuant to Labor Code Section 1771.7, if the project is funded from Propositions 47 or 55 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003; and,
- Beginning with the 2005/2006 fiscal year, the district has complied with Education Code Section 17070.75(e) by establishing a facilities inspection system to ensure that each of its schools is maintained in good repair.

SIGNATURE OF DISTRICT REPRESENTATIVE

DATE

PLEASE PRINT NAME